

FOR THE SOUTHERN DISTRICT OF NEW YORK

*"Neighborhoods Against Cell Towers,"*

Plaintiff,

VS.

JOHN S. GARMENT, CHAIRMAN, AND STEPHEN  
A. ALEXANDER, JOHN E DURANTE, CASIMIRO  
V. CIBELLI, ARNOLD BERNSTEIN, MICHAEL F.  
QUINN AND JOHN J. IORIS, AS MEMEBERS OF  
THE PLANNING BOARD OF THE CITY OF WHITE  
PLAINS; NEW YORK, AND METROPOLIS NEW  
YORK, LLC

Defendants.

X

Case No.: 08-cv-06356-SCR

## AFFIDAVITS OF SERVICE

STEPHEN DRAGO, INDIVIDUALLY AND AS ACTING CHAIR AND PRESIDENT OF  
, Plaintiff(s)  
- against -

JOHN S. GARMENT, CHARMAN, AND STEPHEN A. ALEXANDER, JOHN E. DURANTE,  
CASIMIRO V. CIBELLI, ARNOLD BERNSTEIN, MICHAEL F. QUINN AND JOHN J.  
IORIS, AS MEMBERS OF THE PLANNING BOARD OF THE CITY OF WHITE PLAINS;  
NEW YORK, AND METROPCS NEW YORK, LLC  
, Defendant(s)

State of New York )  
County of Bronx ) SS.:

AFFIDAVIT OF SERVICE

Charles S. Flemming being duly sworn, deposes and says  
that he is over the age of 18 years; is not a party to this action and resides  
within the State of New York. That on 07/17/2008 at 12:09 PM at:

CITY HALL  
255 MAIN STREET  
WHITE PLAINS NY 10601

Deponent served the:

SUMMONS IN A CIVIL ACTION AND COMPLAINT  
CIVIL COVER SHEET

INDIVIDUAL PRACTICES OF JUDGE STEPHEN C. ROBINSON  
CONSENT TO PROCEED BEFORE UNITED STATES MAGISTRATE JUDGE  
INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE LISA MARGARETSMITH  
RULES FOR ELECTRONICALLY FILED CASES  
ELECTRONIC CASE FILING RULES & INSTRUCTIONS

upon JOHN S. GARMENT,  
by delivering true copies to:  
Doreen Rich Esq., Assistant City of White Plains Corporati  
who stated that they were authorized to accept service on behalf of:  
JOHN S. GARMENT.

Within 20 days of such service, deponent enclosed a copy of same in a first  
class postpaid envelope properly addressed to recipient at:

JOHN S. GARMENT  
CITY HALL  
255 MAIN STREET  
WHITE PLAINS NY 10601

and deposited said envelope in an official depository under the exclusive  
care and custody of the U.S. Postal Service within New York State. The  
envelope bore the legend "PERSONAL & CONFIDENTIAL" and did not  
indicate by return address or otherwise that the communication was from an  
attorney or concerned an action against the recipient.

To the best of my knowledge, based on information and belief, the said  
recipient at the time of service was not engaged in the military service  
of the United States or New York. Recipient wore ordinary  
civilian clothing and no military uniform.

Deponent describes the individual served as follows:

AGE: 33 HEIGHT: 5'4" WEIGHT: 120 HAIR: BLACK RACE: WHITE SEX: FEMALE

*Charles S. Flemming*  
Charles S. Flemming License #1179930

SWORN TO BEFORE ME *JULY 29 2008*

*Jonathan C. Peters*

JONATHAN C. PETERS  
NOTARY PUBLIC STATE OF NEW YORK  
NO: 01PE6134884  
QUALIFIED IN KINGS COUNTY  
COMMISSION EXPIRES OCTOBER 11th, 2009

OUR DOC# 21608  
Whitney North Seymour, Jr.  
425 Lexington Avenue  
Room 1721  
New York NY 10169

STEPHEN DRAGO, INDIVIDUALLY AND AS ACTING CHAIR AND PRESIDENT OF  
, Plaintiff(s)

- against -

JOHN S. GARMENT, CHARMAN, AND STEPHEN A. ALEXANDER, JOHN E. DURANTE,  
CASIMIRO V. CIBELLI, ARNOLD BERNSTEIN, MICHAEL F. QUINN AND JOHN J.  
IORIS, AS MEMBERS OF THE PLANNING BOARD OF THE CITY OF WHITE PLAINS;  
NEW YORK, AND METROPCS NEW YORK, LLC  
, Defendant(s)

State of New York )  
 ) SS.:  
County of Bronx )

AFFIDAVIT OF SERVICE

Charles S. Flemming being duly sworn, deposes and says  
that he is over the age of 18 years; is not a party to this action and resides  
within the State of New York. That on 07/17/2008 at 12:09 PM at:

CITY HALL  
255 MAIN STREET  
WHITE PLAINS NY 10601

Deponent served the:

SUMMONS IN A CIVIL ACTION AND COMPLAINT  
CIVIL COVER SHEET  
INDIVIDUAL PRACTICES OF JUDGE STEPHEN C. ROBINSON  
CONSENT TO PROCEED BEFORE UNITED STATES MAGISTATE JUDGE  
INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE LISA MARGARETSMITH  
RULES FOR ELECTRONICALLY FILED CASES  
ELECTRONIC CASE FILING RULES & INSTRUCTIONS  
upon STEPHEN A. ALEXANDER,  
by delivering true copies to:  
Doreen Rich Esq., Assistant City of White Plains Corporati  
who stated that they were authorized to accept service on behalf of:  
STEPHEN A. ALEXANDER.

Within 20 days of such service, deponent enclosed a copy of same in a first  
class postpaid envelope properly addressed to recipient at:

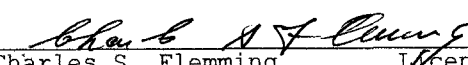
STEPHEN A. ALEXANDER  
CITY HALL  
255 MAIN STREET  
WHITE PLAINS NY 10601

and deposited said envelope in an official depository under the exclusive  
care and custody of the U.S. Postal Service within New York State. The  
envelope bore the legend "PERSONAL & CONFIDENTIAL" and did not  
indicate by return address or otherwise that the communication was from an  
attorney or concerned an action against the recipient.

To the best of my knowledge, based on information and belief, the said  
recipient at the time of service was not engaged in the military service  
of the United States or New York. Recipient wore ordinary  
civilian clothing and no military uniform.

Deponent describes the individual served as follows:

AGE: 33 HEIGHT: 5'4" WEIGHT: 120 HAIR: BLACK RACE: WHITE SEX: FEMALE

  
Charles S. Flemming License #1179930

SWORN TO BEFORE ME JULY 29, 2008



JONATHAN C. PETERS  
NOTARY PUBLIC STATE OF NEW YORK  
NO: 01PE6134884  
QUALIFIED IN KINGS COUNTY  
COMMISSION EXPIRES OCTOBER 11th, 2009

OUR DOC# 21609  
Whitney North Seymour, Jr.  
425 Lexington Avenue  
Room 1721  
New York NY 10169

STEPHEN DRAGO, INDIVIDUALLY AND AS ACTING CHAIR AND PRESIDENT OF  
- against -  
JOHN S. GARMENT, CHARMAN, AND STEPHEN A. ALEXANDER, JOHN E. DURANTE,  
CASIMIRO V. CIBELLI, ARNOLD BERNSTEIN, MICHAEL F. QUINN AND JOHN J.  
IORIS, AS MEMBERS OF THE PLANNING BOARD OF THE CITY OF WHITE PLAINS;  
NEW YORK, AND METROPCS NEW YORK, LLC  
), Plaintiff(s)  
), Defendant(s)

State of New York )  
County of Bronx ) SS.:

AFFIDAVIT OF SERVICE

Charles S. Flemming being duly sworn, deposes and says  
that he is over the age of 18 years; is not a party to this action and resides  
within the State of New York. That on 07/17/2008 at 12:09 PM at:

CITY HALL  
255 MAIN STREET  
WHITE PLAINS NY 10601

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CIVIL COVER SHEET  
INDIVIDUAL PRACTICES OF JUDGE STEPHEN C. ROBINSON  
CONSENT TO PROCEED BEFORE UNITED STATES MAGISTRATE JUDGE  
INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE LISA MARGARETSMITH  
RULES FOR ELECTRONICALLY FILED CASES  
ELECTRONIC CASE FILING RULES & INSTRUCTIONS  
upon JOHN E. DURANTE,  
by delivering true copies to:  
Doreen Rich Esq., Assistant City of White Plains Corporati  
who stated that they were authorized to accept service on behalf of:  
JOHN E. DURANTE.

Within 20 days of such service, deponent enclosed a copy of same in a first  
class postpaid envelope properly addressed to recipient at:

JOHN E. DURANTE  
CITY HALL  
255 MAIN STREET  
WHITE PLAINS NY 10601

and deposited said envelope in an official depository under the exclusive  
care and custody of the U.S. Postal Service within New York State. The  
envelope bore the legend "PERSONAL & CONFIDENTIAL" and did not  
indicate by return address or otherwise that the communication was from an  
attorney or concerned an action against the recipient.

To the best of my knowledge, based on information and belief, the said  
recipient at the time of service was not engaged in the military service  
of the United States or New York. Recipient wore ordinary  
civilian clothing and no military uniform.

Deponent describes the individual served as follows:

AGE: 33 HEIGHT: 5'4" WEIGHT: 120 HAIR: BLACK RACE: WHITE SEX: FEMALE

*Charles S. Flemming*  
Charles S. Flemming License #1179930

SWORN TO BEFORE ME July 29, 2008

*Jonathan C. Peters*

JONATHAN C. PETERS  
NOTARY PUBLIC STATE OF NEW YORK  
NO: 01PE6134884  
QUALIFIED IN KINGS COUNTY  
COMMISSION EXPIRES OCTOBER 11th, 2009

OUR DOC# 21610  
Whitney North Seymour, Jr.  
425 Lexington Avenue  
Room 1721  
New York NY 10169

**JONATHAN C. PETERS**  
**NOTARY PUBLIC STATE OF NEW YORK**  
**NO: 01PE6134884**  
**QUALIFIED IN KINGS COUNTY**  
**COMMISSION EXPIRES OCTOBER 11th, 2009**

STEPHEN DRAGO, INDIVIDUALLY AND AS ACTING CHAIR AND PRESIDENT OF  
- against -  
Plaintiff(s)

JOHN S. GARMENT, CHARMAN, AND STEPHEN A. ALEXANDER, JOHN E. DURANTE,  
CASIMIRO V. CIBELLI, ARNOLD BERNSTEIN, MICHAEL F. QUINN AND JOHN J.  
IORIS, AS MEMBERS OF THE PLANNING BOARD OF THE CITY OF WHITE PLAINS;  
NEW YORK, AND METROPCS NEW YORK, LLC  
Defendant(s)

State of New York )  
County of Bronx ) SS.:

AFFIDAVIT OF SERVICE

Charles S. Flemming being duly sworn, deposes and says  
that he is over the age of 18 years; is not a party to this action and resides  
within the State of New York. That on 07/17/2008 at 12:09 PM at:

CITY HALL  
255 MAIN STREET  
WHITE PLAINS NY 10601

Deponent served the:

SUMMONS IN A CIVIL ACTION AND COMPLAINT  
CIVIL COVER SHEET  
INDIVIDUAL PRACTICES OF JUDGE STEPHEN C. ROBINSON  
CONSENT TO PROCEED BEFORE UNITED STATES MAGISTRATE JUDGE  
INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE LISA MARGARETSMITH  
RULES FOR ELECTRONICALLY FILED CASES  
ELECTRONIC CASE FILING RULES & INSTRUCTIONS  
upon ARNOLD BERNSTEIN,  
by delivering true copies to:  
Doreen Rich Esq., Assistant City of White Plains Corporati  
who stated that they were authorized to accept service on behalf of:  
ARNOLD BERNSTEIN.

Within 20 days of such service, deponent enclosed a copy of same in a first  
class postpaid envelope properly addressed to recipient at:

ARNOLD BERNSTEIN  
CITY HALL  
255 MAIN STREET  
WHITE PLAINS NY 10601

and deposited said envelope in an official depository under the exclusive  
care and custody of the U.S. Postal Service within New York State. The  
envelope bore the legend "PERSONAL & CONFIDENTIAL" and did not  
indicate by return address or otherwise that the communication was from an  
attorney or concerned an action against the recipient.

To the best of my knowledge, based on information and belief, the said  
recipient at the time of service was not engaged in the military service  
of the United States or New York. Recipient wore ordinary  
civilian clothing and no military uniform.

Deponent describes the individual served as follows:

AGE: 33 HEIGHT: 5'4" WEIGHT: 120 HAIR: BLACK RACE: WHITE SEX: FEMALE

*Charles S. Flemming*  
Charles S. Flemming License #1179930

SWORN TO BEFORE ME July 29, 2008

*Jonathan C. Peters*

JONATHAN C. PETERS  
NOTARY PUBLIC STATE OF NEW YORK  
NO: 01PE6134884  
QUALIFIED IN KINGS COUNTY  
COMMISSION EXPIRES OCTOBER 11th, 2009

OUR DOC# 21612  
Whitney North Seymour, Jr.  
425 Lexington Avenue  
Room 1721  
New York NY 10169



STEPHEN DRAGO, INDIVIDUALLY AND AS ACTING CHAIR AND PRESIDENT OF  
\_\_\_\_\_, Plaintiff(s)  
- against -

JOHN S. GARMENT, CHARMAN, AND STEPHEN A. ALEXANDER, JOHN E. DURANTE,  
CASIMIRO V. CIBELLI, ARNOLD BERNSTEIN, MICHAEL F. QUINN AND JOHN J.  
IORIS, AS MEMBERS OF THE PLANNING BOARD OF THE CITY OF WHITE PLAINS;  
NEW YORK, AND METROPCS NEW YORK, LLC  
\_\_\_\_\_, Defendant(s)

State of New York )  
County of Bronx ) SS.:

AFFIDAVIT OF SERVICE

Charles S. Flemming being duly sworn, deposes and says  
that he is over the age of 18 years; is not a party to this action and resides  
within the State of New York. That on 07/17/2008 at 12:09 PM at:

CITY HALL  
255 MAIN STREET  
WHITE PLAINS NY 10601

Deponent served the:

SUMMONS IN A CIVIL ACTION AND COMPLAINT  
CIVIL COVER SHEET  
INDIVIDUAL PRACTICES OF JUDGE STEPHEN C. ROBINSON  
CONSENT TO PROCEED BEFORE UNITED STATES MAGISTATE JUDGE  
INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE LISA MARGARETSMITH  
RULES FOR ELECTRONICALLY FILED CASES  
ELECTRONIC CASE FILING RULES & INSTRUCTIONS  
upon MICHAEL F. QUINN,  
by delivering true copies to:  
Doreen Rich Esq., Assistant City of White Plains Corporati  
who stated that they were authorized to accept service on behalf of:  
MICHAEL F. QUINN.

Within 20 days of such service, deponent enclosed a copy of same in a first  
class postpaid envelope properly addressed to recipient at:

MICHAEL F. QUINN  
CITY HALL  
255 MAIN STREET  
WHITE PLAINS NY 10601

and deposited said envelope in an official depository under the exclusive  
care and custody of the U.S. Postal Service within New York State. The  
envelope bore the legend "PERSONAL & CONFIDENTIAL" and did not  
indicate by return address or otherwise that the communication was from an  
attorney or concerned an action against the recipient.

To the best of my knowledge, based on information and belief, the said  
recipient at the time of service was not engaged in the military service  
of the United States or New York. Recipient wore ordinary  
civilian clothing and no military uniform.

Deponent describes the individual served as follows:

AGE: 33 HEIGHT: 5'4" WEIGHT: 120 HAIR: BLACK RACE: WHITE SEX: FEMALE

*Charles S. Flemming*  
Charles S. Flemming License #1179930

SWORN TO BEFORE ME July 29, 2008

*Jonathan C. Peters*

JONATHAN C. PETERS  
NOTARY PUBLIC STATE OF NEW YORK  
NO: 01PE6134884  
QUALIFIED IN KINGS COUNTY  
COMMISSION EXPIRES OCTOBER 11th, 2009

OUR DOC# 21613  
Whitney North Seymour, Jr.  
425 Lexington Avenue  
Room 1721  
New York NY 10169

STEPHEN DRAGO, INDIVIDUALLY AND AS ACTING CHAIR AND PRESIDENT OF  
- against -  
Plaintiff(s)

JOHN S. GARMENT, CHARMAN, AND STEPHEN A. ALEXANDER, JOHN E. DURANTE,  
CASIMIRO V. CIBELLI, ARNOLD BERNSTEIN, MICHAEL F. QUINN AND JOHN J.  
IORIS, AS MEMBERS OF THE PLANNING BOARD OF THE CITY OF WHITE PLAINS;  
NEW YORK, AND METROPCS NEW YORK, LLC  
Defendant(s)

State of New York )  
County of Bronx ) SS.:

AFFIDAVIT OF SERVICE

Charles S. Flemming being duly sworn, deposes and says  
that he is over the age of 18 years; is not a party to this action and resides  
within the State of New York. That on 07/17/2008 at 12:09 PM at:

CITY HALL  
255 MAIN STREET  
WHITE PLAINS NY 10601

Deponent served the:

SUMMONS IN A CIVIL ACTION AND COMPLAINT  
CIVIL COVER SHEET  
INDIVIDUAL PRACTICES OF JUDGE STEPHEN C. ROBINSON  
CONSENT TO PROCEED BEFORE UNITED STATES MAGISTATE JUDGE  
INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE LISA MARGARETSMITH  
RULES FOR ELECTRONICALLY FILED CASES  
ELECTRONIC CASE FILING RULES & INSTRUCTIONS  
upon JOHN J. IORIS,  
by delivering true copies to:  
Doreen Rich Esq., Assistant City of White Plains Corporati  
who stated that they were authorized to accept service on behalf of:  
JOHN J. IORIS.

Within 20 days of such service, deponent enclosed a copy of same in a first  
class postpaid envelope properly addressed to recipient at:

JOHN J. IORIS  
CITY HALL  
255 MAIN STREET  
WHITE PLAINS NY 10601

and deposited said envelope in an official depository under the exclusive  
care and custody of the U.S. Postal Service within New York State. The  
envelope bore the legend "PERSONAL & CONFIDENTIAL" and did not  
indicate by return address or otherwise that the communication was from an  
attorney or concerned an action against the recipient.

To the best of my knowledge, based on information and belief, the said  
recipient at the time of service was not engaged in the military service  
of the United States or New York. Recipient wore ordinary  
civilian clothing and no military uniform.

Deponent describes the individual served as follows:

AGE: 33 HEIGHT: 5'4" WEIGHT: 120 HAIR: BLACK RACE: WHITE SEX: FEMALE

*Charles S. Flemming*  
Charles S. Flemming License #1179930

SWORN TO BEFORE ME July 29, 2008

*Jonathan C. Peters*

JONATHAN C. PETERS  
NOTARY PUBLIC STATE OF NEW YORK  
NO: 01PE6134884  
QUALIFIED IN KINGS COUNTY  
COMMISSION EXPIRES OCTOBER 11th, 2009

OUR DOC# 21614  
Whitney North Seymour, Jr.  
425 Lexington Avenue  
Room 1721  
New York NY 10169



UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Index No. 08 CIV 6356

STEPHEN DRAGO, INDIVIDUALLY AND AS ACTING CHAIR AND PRESIDENT OF

, Plaintiff(s)

- against -

JOHN S. GARMENT, CHARMAN, AND STEPHEN A. ALEXANDER, JOHN E. DURANTE,  
CASIMIRO V. CIBELLI, ARNOLD BERNSTEIN, MICHAEL F. QUINN AND JOHN J.  
IORIS, AS MEMBERS OF THE PLANNING BOARD OF THE CITY OF WHITE PLAINS;  
NEW YORK, AND METROPCS NEW YORK, LLC

, Defendant(s)

State of New York )

) SS.:

County of Bronx )

AFFIDAVIT OF SERVICE

Charles S. Flemming being duly sworn, deposes and says  
that he is over the age of 18 years; is not a party to this action and resides  
within the State of New York. That on 07/17/2008 at 12:09 PM at:

THE CITY OF WHITE PLAINS

CITY HALL

255 MAIN STREET

WHITE PLAINS NY 10601

Deponent served the:

SUMMONS IN A CIVIL ACTION AND COMPLAINT

CIVIL COVER SHEET

INDIVIDUAL PRACTICES OF JUDGE STEPHEN C. ROBINSON

CONSENT TO PROCEED BEFORE UNITED STATES MAGISTATE JUDGE

INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE LISA MARGARETSMITH

RULES FOR ELECTRONICALLY FILED CASES

ELECTRONIC CASE FILING RULES & INSTRUCTIONS

on THE CITY OF WHITE PLAINS

a government agency

by delivering thereat true copies to Doreen Rich Esq.

personally, deponent knew said agency so served to be the agency,

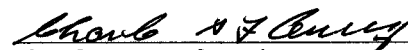
described in same as said recipient and knew said individual to be the

Assistant City of White Plains Corporati and who stated that they were

authorized to accept service thereof.

Deponent describes the individual served as follows:

AGE: 33 HEIGHT: 5'4" WEIGHT: 120 HAIR: BLACK RACE: WHITE SEX: FEMALE

  
Charles S. Flemming

Lic. #1179930

SWORN TO BEFORE ME August 20, 2008



OUR DOC# 21615

Whitney North Seymour, Jr.

425 Lexington Avenue

Room 1721

New York NY 10169

JONATHAN C. PETERS  
NOTARY PUBLIC STATE OF NEW YORK  
NO: 01PE6134884  
QUALIFIED IN KINGS COUNTY  
COMMISSION EXPIRES OCTOBER 11th, 2009

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Index No. 08 CIV 6356

STEPHEN DRAGO, INDIVIDUALLY AND AS ACTING CHAIR AND PRESIDENT OF  
\_\_\_\_\_, Plaintiff(s)

- against -

JOHN S. GARMENT, CHARMAN, AND STEPHEN A. ALEXANDER, JOHN E. DURANTE,  
CASIMIRO V. CIBELLI, ARNOLD BERNSTEIN, MICHAEL F. QUINN AND JOHN J.  
IORIS, AS MEMBERS OF THE PLANNING BOARD OF THE CITY OF WHITE PLAINS;  
NEW YORK, AND METROPCS NEW YORK, LLC  
\_\_\_\_\_, Defendant(s)

State of New York )  
County of Rensselaer ) SS.:

AFFIDAVIT OF SERVICE

JR O'Rourke being duly sworn, deposes and says  
that he is over the age of 18 years; is not a party to this action and resides  
within the State of New York. That on 07/17/2008 at 2:18 PM at:

CORPORATION SERVICE COMPANY  
80 STATE STREET  
ALBANY NY 12207

Deponent served the:

SUMMONS IN A CIVIL ACTION AND COMPLAINT  
CIVIL COVER SHEET  
INDIVIDUAL PRACTICES OF JUDGE STEPHEN C. ROBINSON  
CONSENT TO PROCEED BEFORE UNITED STATES MAGISTATE JUDGE  
INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE LISA MARGARETSMITH  
RULES FOR ELECTRONICALLY FILED CASES  
ELECTRONIC CASE FILING RULES & INSTRUCTIONS

on METROPCS NEW YORK LLC

a domestic and/or foreign corporation  
by delivering thereat true copies to Nikki Chapple  
personally, deponent knew said corporation so served to be the corporation,  
described in same as said recipient and knew said individual to be the  
Service Of Process Clerk and who stated that they were  
authorized to accept service thereof.

Deponent describes the individual served as follows:

AGE: 33 HEIGHT: 5'10" WEIGHT: 180 HAIR: BLACK RACE: BLACK SEX: FEMALE

  
JR O'Rourke

SWORN TO BEFORE ME 8/16/08

OUR DOC# 21616  
Whitney North Seymour, Jr.  
425 Lexington Avenue  
Room 1721  
New York NY 10169

PATRICIA A. BURKE  
Notary Public, State of New York  
No. 010072  
Qualified in Albany County  
Commission Expires Feb. 28, 2010